

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 15.11.2017****CORAM:****THE HONOURABLE MR. JUSTICE R. MAHADEVAN****W.P (MD) No. 13865 of 2017****WEB COPY**

I. Jesmin Vinnarasi

...Petitioner

Vs.

1. The State of Tamil nadu
Rep. by its Secretary
Department of School Education,
Fort St. George, Chennai - 600 009.
2. The State Project Director
Sarva Siksha Abhiyan (SSA)
DPI Campus, College Road,
Nungambakkam, Chennai - 600 006.
3. The Additional Chief Educational Officer,
Sarva Siksha Abhiyan (SSA)
S.V. Govt. Higher Secondary School Campus,
Tuticorin - 628 003.
4. The Supervisor
Block Resource Centre
Sarva Siksha Abhiyan (SSA)
Alwarthirunagari Union,
Government High School Campus,
Mavadipannai, Thenthiruperai,
Tuticorin District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 2nd respondent herein in Na.Ka.No.2647/A11/AKE/2016 dated 15.05.2017 quash the same and further direct the respondents herein to shift all further Ambalachery Upper Primary CRC meetings from Mavadipannai to Peikulam Ambalachery Region.

For Petitioner : Mr. A. Ajith Geethan
For R.1 to R.3 : Mr. M. Alagathevan,
Special Government Pleader
For R.4 : No Appearance

ORDER



2. Heard the learned counsel on either side.

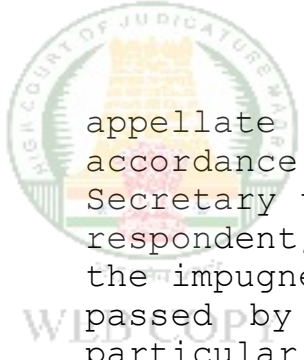
3. According to the petitioner, she is working as Headmistress in R.C.Middle School, Saveriarpuram, Tuticorin District. Under the SSA scheme, the State Government is conducting teachers' meeting for enhancing the efficiency of the teachers in any Saturday of every month. All over the Tamil Nadu, there are 385 Block Resource Centres (BRC) and each Block Resource Centre (BRC) has been set up with some Cluster Resource Centre (CRC) at the rate of 8 to 10 schools. Every CRC is separated as Primary CRC (Standard I to V) and Upper Primary CRC (Standard VI to VIII). The third respondent / BRC has been set up with 3 CRC from the Villages, namely, Mavadipannai, Kurumbur and Ambalachery. According to the third respondent / BRC, every Primary CRC and Upper Primary CRC meeting had been held in its own region. Ambalachery Primary CRC meeting has been held in Peikulam and Ambalachery Region. But, Ambalachery Upper Primary CRC meetings are conducted in Mavadipannai, which is situated more than 50 kms distance from Peikulam. Further, there is no direct bus facility from Ambalachery Region to Mavadipannai. Even though more than 90 female teachers are participating in the Upper Primary CRC meetings at Mavadipannai, there is no sufficient toilet facility and also class rooms for conducting the above meetings. Since, it is causing lot of inconvenience to all the women teachers, who are working in Ambalachery, the petitioner submitted a representation on behalf of the said teachers to the respondents 2 and 3 on 06.07.2016, requesting to shift the Ambalachery Upper Primary CRC meetings from Mavadipannai to Peikulam, Ambalchery Region. The second respondent by order dated 07.02.2017 has returned the representation. Aggrieved by the same, the petitioner has preferred an appeal before the first respondent on 27.03.2017 and the said appeal was also rejected by order dated 15.05.2017. Hence, the petitioner is constrained to prefer the present Writ petition challenging the impugned order dated 15.05.2017 passed by the first respondent.

4. The learned counsel for the petitioner submitted that for shifting the Ambalachery Upper Primary CRC meetings from Mavadipannai to Peikulam Ambalachery Region, the petitioner filed an appeal on 27.03.2017 before the 1st respondent without passing any order in the said appeal, he ought not have forwarded the same to the 2nd respondent, which cannot stand in the eye of law.

5. The learned Special Government Pleader appearing for the respondents the appellate authority namely, the 1st respondent ought to have passed an order in the appeal, filed by the petitioner and hence, the 1st respondent may be directed to pass orders within a reasonable time.

<https://hcservices.ecourts.gov.in/hcservices/>

6. This Court is of the considered view that if an order is appealable one and that an appeal has been filed before the



appellate authority, he ought to have passed an order in accordance with law. In the present case, the first respondent / Secretary to the Government has forwarded the appeal to the second respondent, who in turn, dismissed the appeal by passing the impugned order dated 15.05.2017. Such order, which has been passed by the second respondent, is not tenable and on that particular ground, the impugned order is liable to be set aside.

7. Under such circumstances, this Writ petition is allowed and the impugned order dated 15.05.2017 is set aside and the matter is remanded back to the first respondent for fresh consideration. The first respondent is hereby directed to pass appropriate orders thereon, on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as other interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The State of Tamil nadu
Rep. by its Secretary
Department of School Education,
Fort St.George, Chennai - 600 009.
2. The State Project Director
Sarva Siksha Abhiyan (SSA)
DPI Campus, College Road,
Nungambakkam, Chennai - 600 006.
3. The Additional Chief Educational Officer,
Sarva Siksha Abhiyan (SSA)
S.V.Govt. Higher Secondary School Campus,
Tuticorin - 628 003.

+1cc to Mr. A. Ajith Geethan, Advocate sr.No.87626

RM

VB/GT/SAR3/11/12/2017/3P/5C

W.P(MD)No.13865 of 2017
15.11.2017